

1977 WL 37324 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 27, 1977

*1 Honorable J. M. Copeland
Laurens County Magistrate
110 N. Broad Street
Clinton, South Carolina 29325

Dear Judge:

In reference to our telephone conversation in which you asked the opinion of this Office as to whether it was illegal to pass a school bus from Whitten Village that was stopped to receive passengers, attention is directed to the following review of South Carolina law.

Section 46-477, Code of Laws of South Carolina, 1962, states:

‘The driver of a vehicle upon a highway upon meeting or overtaking from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any school children shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion or until signalled by the driver to proceed.’

Section 46-218, Code of Laws of South Carolina, 1962, defines a school bus for the purposes of this Section as ‘every bus owned by a public or governmental agency and operated for the transportation of children to and from school or privately owned and operated for the transportation of children to or from school . . .’ Thus a Whitten Village school bus would be a school bus within the above Section 46-477.

Section 46-544.1 (b), Code of Laws of South Carolina, 1962, as amended, refers to the use of signal equipment which imposes the duty to yield the right-of-way and stop within Section 46-477. It states:

‘Every school bus and every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.’

It should be determined if there was such equipment operating at the time of the supposed violation.

You also asked as to whether or not another driver should stop when a school bus has stopped in a loading zone to receive passengers. Attention is directed to the following:

‘The driver of a vehicle upon a highway with separate roadways need not stop upon meeting or passing a school bus which is on a different roadway or when the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway.’

Section 46-477, Code of Laws of South Carolina, 1962. Therefore, a determination would have to be made as to whether this particular loading zone came within the above qualification. Enclosed is a copy of Opinion 3300 from this Office which further clarifies this Section.

If there are any questions, do not hesitate to call.

Very truly yours,

Charles H. Richardson

*2 Staff Attorney

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